

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:18-CR-452-FL-1

UNITED STATES OF AMERICA,

v.

LEONID ISAAKOVICH TEYF,

Defendant.

) **MOTION TO DISMISS COUNTS 1-9, 11-**  
) **13, 17-19, 21-24, 35-36, AND 40-41 OF THE**  
) **THIRD SUPERSEDING INDICTMENT**  
) **FED. R. CRIM. P. 12(b)**  
) **(Oral Argument Requested)**

Defendant Leonid Teyf, by and through undersigned counsel, respectfully moves this Court to dismiss Counts 1-9, 11-13, 17-19, 21-24, 35-36, and 40-41 of the third superseding indictment pursuant to Federal Rules of Criminal Procedure 12(b). The indictment fails (i) to sufficiently apprise Mr. Teyf of the charges against him in violation of his Sixth Amendment rights and (ii) to state an essential element of the offense in violation of his Fifth Amendment rights.

Mr. Teyf sets forth more fully the grounds for this motion in his memorandum of law in support of the motion to dismiss. Mr. Teyf respectfully requests an oral argument on this motion.

This 29th day of April, 2019

Respectfully Submitted,

MOORE & VAN ALLEN PLLC

By: /s/ James P. McLoughlin, Jr.  
James P. McLoughlin, Jr.  
N.C. State Bar No. 13795  
John S. Han  
N.C. State Bar No. 54113  
Fielding E. Huseh  
N.C. State Bar No. 53121  
100 North Tryon Street, Suite 4700  
Phone: (704) 331-1054  
Facsimile: (704) 378-2054  
Email: jimmcloughlin@mvalaw.com  
johnhan@mvalaw.com  
fieldinghuseh@mvalaw.com

*Attorneys for Defendant Leonid Teyf*

## CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I also served a copy of the foregoing upon counsel for the United States in this action by sending a copy to each counsel by electronic communication as referenced below:

Barbara D. Kocher  
U.S. Attorney's Office  
310 New Bern Ave.  
Suite 800  
Raleigh, NC 27601  
Email: barb.kocher@usdoj.gov

Jason M. Kellhofer  
U.S. Attorney's Office  
310 New Bern Ave.  
Suite 800  
Raleigh, NC 27601  
Email: jason.kellhofer@usdoj.gov

Tracy L. McGurk, RMR, CRR  
413 Middle St.  
New Bern, NC 28560  
Email: Tracy\_McGurk@nced.uscourts.gov

By: /s/ James P. McLoughlin, Jr.  
James P. McLoughlin, Jr.  
N.C. State Bar No. 13795  
John S. Han  
N.C. State Bar No. 54113  
Fielding E. Huseh  
N.C. State Bar No. 53121  
MOORE & VAN ALLEN PLLC  
100 North Tryon Street, Suite 4700  
Charlotte, NC 28202-4003  
Phone: (704) 331-1054  
Facsimile: (704) 378-2054  
Email: jimmcloughlin@mvalaw.com  
johnhan@mvalaw.com  
fieldinghuseh@mvalaw.com